

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

JERRY PENDERGRAFT	§	
vs.	§	CIVIL ACTION NO. 6:10-CV-32
COMMISSIONER, SOCIAL SECURITY ADMINISTRATION	§	

ORDER ADOPTING REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the action be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) for such further administrative proceedings consistent with the findings of the Magistrate Judge. No written objections have been filed. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.


In light of the foregoing, it is

**ORDERED** that the complaint is hereby **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) with instructions to obtain an explanation for and resolve the conflicts between the vocational expert's testimony and the Dictionary of Occupational Titles pursuant to Social Security Ruling 00-4p; and with instructions to conduct a credibility analysis of

Plaintiff's subjective testimony pursuant to SSR 96-7p and consistent with the opinion above. It is further

**ORDERED** that any motion not previously ruled on is **DENIED**.

**SIGNED this 24th day of August, 2011.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE